



GOVERNMENTAL ETHICS COMMISSION

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Neutral Testimony on HB 2617 -- Mark Skoglund, Executive Director
Thursday, February 29, 2024
House Elections Committee

Thank you for the opportunity to provide testimony regarding HB 2617. This testimony is offered primarily as background.

HB 2617 would prohibit legislators from voting on or taking other action on legislative matters if the legislator or their family has a special interest in the legislative matter. There are currently no prohibitions in the ethics laws regarding this conduct. A legislator may legally vote on items that result in personal financial gain, provided that they are not participating in making a contract by doing so (which would trigger the conflict of interest provisions).

Both "legislative matter" and "special interest" are defined by statute.

K.S.A. 46-219: "Legislative matter" means any bill, resolution, nomination, or other issue or proposal pending before the legislature or any committee, subcommittee, or council thereof.

K.S.A. 46-228: "Special interest" means an interest of any person as herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

Essentially, an entity has a special interest in a legislative matter if that matter affects the entity differently than the general application to Kansans. For example, if a bill were to give a tax break to pencil manufacturers and a legislator owns a pencil factory, they would have a special interest in that bill. Conversely, a legislator would not have a special interest in a bill adjusting tax brackets since that affects Kansans generally and does not distinctly affect the legislator differently.

RECOMMENDED AMENDMENT

As written, HB 2617 would prohibit the Legislature from adjusting legislative salaries, since legislators would have a special interest in a legislative matter that affects their compensation. Similarly, a special interest would exist in other legislative administrative matters. As such, it would be a good idea for an amendment to exempt legislators from this prohibition if the only reason for the special interest is due to an administrative matter regarding the operation of the Legislature.